



June 27, 2022

VIA ECF

Hon. Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Wilson v. County of Suffolk; 21 Civ. 3716 (JS) (SIL)

Dear Judge Seybert,

I represent the plaintiff, Ron Wilson, in the above-referenced matter. This letter is submitted to request that the stay of this action be immediately lifted in light of the June 6, 2022 amendment to the New York State Penal Law §265.00(3), which will take place effective July 6, 2022. (see attached).

Under the Legislature's June 6, 2022 amendment to Penal Law § 265.00(3), the definition of "firearm" now includes "(f) any other weapon that is not otherwise defined in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive."

The Legislature's amendment to Penal Law § 265.00(3) conclusively forecloses Suffolk County's argument that its written policy – as detailed in the Suffolk County Police Department letters dated June 30, July 14, July 28, August 11, and August 25, 2021 and mailed to hundreds of individuals who purchased the CT4-2A Other Firearm from Jerry's Firearms in Suffolk County - mandating the surrender of lawfully purchased CT4-2A Other Firearms, and threatening arrest for failure to comply within 15 days of the receipt of such letter, was taken pursuant to the New York State Penal Law.

The amendment of the statute bears out that at no time did this case, or the *John Does 1-10* matter previously before Judge Brown and pending in the Second Circuit, involve the interpretation of or challenge to, state statute.

The purchase and possession of the CT4-2A Other Firearm is, was, and will continue to be, legal until the amendment goes into effect on July 6, 2022. Thus, Defendants' seizure of Plaintiff's legally possessed firearms was without any legal authority, under false pretenses, and a violation of his rights as protected by the Fourth, Fifth, and Fourteenth Amendments.

Based on the above, the stay of this action should be lifted, and discovery should proceed accordingly.

Very truly yours,

/s
Amy L. Bellantoni

cc: Arlene Zwilling (via ECF)

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SECTION 265.00

Definitions

Penal (PEN) CHAPTER 40, PART 3, TITLE P, ARTICLE 265

§ 265.00 Definitions.

As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of

size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

* 3. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm.

* NB Effective until July 6, 2022

* 3. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon; or (f) any other weapon that is not otherwise defined

in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm.

* NB Effective July 6, 2022

3-a. "Major component of a firearm, rifle or shotgun" means the barrel, the slide or cylinder, the frame, or receiver of the firearm, rifle, or shotgun.

4. "Switchblade knife" means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

5. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force which, when released, is locked in place by means of a button, spring, lever or other device.

5-a. "Pilum ballistic knife" means any knife which has a blade which can be projected from the handle by hand pressure applied to a button, lever, spring or other device in the handle of the knife.

5-b. "Metal knuckle knife" means a weapon that, when closed, cannot function as a set of plastic knuckles or metal knuckles, nor as a knife and when open, can function as both a set of plastic knuckles or metal